



Children’s Waiver Requirements for Electronic Visit Verification (EVV)

As a follow-up to the Children’s Waiver EVV announcement of October 20, 2020, the New York State Department of Health (Department) is providing additional guidance regarding EVV requirements for Children’s Waiver Home and Community Based Services (HCBS).

- As a correction to the previous information letter, EVV requirements *always* apply to Community Habilitation, and *may* apply to Respite. EVV requirements do not apply to Day Habilitation.
- Children’s Waiver HCBS providers that might also serve the OPWDD Waiver will need to comply with OPWDD Guidance.

Children’s Waiver providers must review the [EVV Program Guidance and Requirements](#) for general information and requirements for EVV, which are applicable to Children’s Waiver providers.

What Children’s HCBS services are applicable to EVV?

The following Children’s Waiver HCBS rate codes for Community Habilitation and Respite services are subject to EVV requirements. EVV is always applicable to the Community Habilitation service. Since the Children’s Waiver is a consolidation of six (6) different waivers, serving several different children populations, designated Planned and Crisis Respite providers must evaluate their service delivery and determine if **ANY** child/youth is served according to the EVV requirement.

Respite providers must complete an annual **Children’s Waiver EVV Declaration Form** to confirm whether the provider meets the EVV requirement in serving ANY children/youth at any time. If the Respite provider serves one member that complies with EVV, then the provider must be EVV system compliant. Those Respite providers that declare that they do meet the EVV requirements, and all Community Habilitation providers, must implement an EVV system and submit EVV data to the NYS Aggregator by January 1, 2021.

Description	Rate Code
Planned Respite - Individual (under 6 hours)	8023
Planned Respite - Individual per diem	8024
Planned Respite - Group less than 6 hours	8027
Crisis Respite - less than 6 hours	8028
Crisis Respite - more than 6 hours less than 12 hours	8029
Crisis Respite - more than 12 less than 24 hours	8030
NOTE: For Respite EVV Claims providers must apply Modifier 96 where applicable	
Community HCBS Habilitation Individual	8012
Community HCBS Habilitation Group of 2	8013
Community HCBS Habilitation Group of 3+	8014



Effective January 1, 2021, Children's Waiver Respite providers who deliver EVV-applicable services will need to add Modifier 96 to the fee-for-service and/or managed care claim for the above rate codes. Respite providers only need to include the EVV modifier on those claims that are subject to EVV criteria. For services that do not require EVV, Respite providers will continue to use current billing practices – including for Respite service delivery that does *not* meet the EVV criteria for that particular member.

Modifier 96 EVV Services: the qualified healthcare professional (HCBS provider) must add Modifier 96 to the service or procedure code to indicate that the service provided is subject to Electronic Visitor Verification (EVV) requirements: 1) The service began or ended in the home, 2) was not provided in a congregate facility, and 3) the service provided was a personal care service (PCS) where the practitioner provided assistance to the patient with personal hygiene, dressing, feeding, and household task essential to his/her health.

Community Habilitation providers do not need to include Modifier 96 as all claims for Community Habilitation are subject to EVV requirements.

- ❖ All respite and community habilitation service providers are subject to NYSDOH audit to ensure compliance with the EVV requirements, equipment, and billing. Lack of compliance or false Declaration could impact provider designation and remittance of claims.

NYS Department of Health, Children's Waiver and EVV staff will be providing a webinar on Friday, November 13 at 1 p.m. for HCBS providers regarding EVV requirements and the impact on Children's Waiver providers.

Please note: Respite providers that determine their delivery of services meets EVV requirements for ANY children/youth served will be required to complete the EVV Attestation via eMedNY in addition to the Children's Waiver Annual Declaration. All Community Habilitation providers will be required to complete the EVV Attestation via eMedNY.

Additional information regarding EVV, including technical assistance resources, are available on the DOH EVV website: https://health.ny.gov/health_care/medicaid/redesign/evv/index.htm

Please send all EVV inquiries to EVVHelp@health.ny.gov Additional information regarding EVV, including technical assistance resources, are available on the DOH EVV website: https://health.ny.gov/health_care/medicaid/redesign/evv/index.htm

- **Join the EVV Listserv**
 - Subscribe to the NYS EVV Listserv at listserv@listserv.health.state.ny.us. Please be sure to include the following in the body of your email sign-up request:
SUBSCRIBE EVV-L YourFirstName YourLastName
- **Review the [NYS EVV Website](#), [EVV FAQs](#) and [Document Repository](#) for the latest published EVV documentation and policies.**



- **Attended the Technical Assistance calls to learn more about EVV data submission**
 - To sign up for the EVV Technical Assistance calls, please visit the [EVV website](#) to register.
- **Ensure eMedNY Enrollment**
 - For those not already enrolled:
 - Please visit the website at www.emedny.org
 - Click on the Provider Enrollment tab to get the process started
 - Support staff for enrollment with NYS Medicaid can be reached by calling eMedNY Provider Enrollment at (800) 343-9000.
- **Review the NYS EVV Interface Control Document (ICD)**
- **Begin working with NYSDOH to test API Connectivity and testing EVV data submission**
- **Begin submitting EVV data to the NYS Data Aggregator beginning January 1, 2021**